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# **State Administration Council**

**Friday, April 21, 2006  
4:00 PM – 6:00 PM  
Morris Hall (17 HOB)**

**COUNCIL ACTION**

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Donald Brown (Chair)	X		
Sandra Adams	X		
Ellyn Setnor Bogdanoff	X		
Mary Brandenburg	X		
Audrey Gibson	X		
Wilbert Holloway	X		
Stan Jordan	X		
Ron Reagan	X		
David Rivera	X		
<b>Totals:</b>	<b>9</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 755 CS : Department of the Lottery**

☒

*Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 911 CS : Use of State Facilities as Emergency Shelters**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9      Total Nays: 0</b>					

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 995 : Agency Inspectors General**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9      Total Nays: 0</b>					

### Appearances:

Agency Inspectors General

Chris Card (Lobbyist) - Proponent

2805 W. San Rafael

Tampa FL 33629

Phone: 813-843-1827

Agency Inspectors General

Andrea Moore (Lobbyist) - Opponent

Florida Children First

1801 University Dr.

Coral Springs FL 33071

Phone: 954-796-0860

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

Amendment No. 1 (for drafter's use only)

COUNCIL/COMMITTEE ACTION

Strikeall to 995 - Council

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

(4) Within seven days after the Office of the Chief Inspector General receives written notification as provided in s. 20.055(7), the Governor shall appoint four state agency inspectors general to serve on the council along with the Chief Inspector General. The terms expire upon conclusion of the matter under examination and review.

(5) A state agency inspector general may not be appointed if his or her state agency is directly or indirectly involved in the matter under examination and review.

(6) A member of the council may not delegate his or her membership to a designee.

(7) A quorum shall consist of at least three members.

(8) The council shall:

(a) Receive preliminary findings and recommendations from state agency inspectors general on the matter under examination and review as provided in s. 20.055(7).

(b) Examine preliminary findings and recommendations of any state agency inspector general upon receipt as provided in s. 20.055(7).

(c) Examine oral or written information submitted by an entity under contract with a state agency, or any personnel of that entity.

(9) The council is responsible for receiving and examining preliminary findings and recommendations received from state agency inspectors general on the matter under examination and review as provided in s. 20.055(7) as follows:

(a) Within 10 business days from the date of receipt of preliminary findings and recommendations on the matter under examination and review, the council shall convene for the purpose of determining whether:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

53        1. To conduct an independent examination and review of the  
54 materials; and

55        2. An additional meeting is required in order to receive  
56 comments from affected parties.

57        (b)1. Upon a majority vote of the council members present,  
58 the council may schedule an additional meeting in order to  
59 receive further information or materials from any affected  
60 parties, which would assist the council in conducting an  
61 independent examination and review. The additional meeting shall  
62 be conducted within 10 days.

63        2. If the council decides not to conduct an independent  
64 examination and review of the materials and decides not to  
65 schedule an additional meeting, then the matter shall be  
66 referred back to the state agency for final review.

67        3.a. If the council schedules an additional meeting, the  
68 council shall notify all affected parties of the date of such  
69 proceeding at least 72 hours in advance.

70        b. Upon conclusion of the additional meeting, the council  
71 shall, within 10 business days, issue its own report on the  
72 matter under examination and review. The state agency inspector  
73 general may proceed with and finalize its final report on the  
74 matter under examination and review, and shall include the  
75 council's report in the final report submitted to the state  
76 agency head.

77        (c) As part of its examination and review, the council may  
78 receive oral or written information from the entity contracting  
79 with the state agency, or any personnel of that entity, which is  
80 the subject of the preliminary findings and recommendations on  
81 the matter under examination and review.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

82        (d) The council shall permit all affected parties a  
83        reasonable opportunity to present relevant information to the  
84        council in support of that party's position.

85        (10) The administrative support shall be provided by the  
86        Office of Chief Inspector General.

87        Section 2. Subsection (7), subsection (8) of section  
88        20.055, Florida Statutes, are amended to read:

89        20.055 Agency inspectors general.--

90        (7)(a) Prior to submitting a final report to the agency  
91        head regarding any entity contracting with the state agency, or  
92        any personnel of that entity, the agency inspector general must  
93        submit preliminary findings and recommendations of any inquiry,  
94        investigation, audit, or review conducted by the inspector  
95        general, except for whistle-blower's investigations, to the  
96        entity, or personnel of that entity, that:

97        1. Is the subject of the inquiry, investigation, audit, or  
98        review; or

99        2. Provided goods or performed services to the agency,  
100       when such goods or services are a material issue in the inquiry,  
101       investigation, audit, or review.

102       (b) Any entity contracting with a state agency, or  
103       personnel of that entity, that receives preliminary findings and  
104       recommendations as provided in paragraph (a) may respond to the  
105       inspector general within 10 business days of receipt of the  
106       preliminary findings and recommendations, to address any of the  
107       findings or recommendations contained therein. The response of  
108       that entity, or personnel of that entity, shall be included in  
109       the final report submitted to the agency head, and shall be  
110       delivered to any party requesting a copy of the report.

111       (c) Within seven days after submitting the response  
112       provided in paragraph (b), an entity contracting with a state

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

113 agency, or any personnel of that entity, may make a written  
114 request to the Office of the Chief Inspector General for the  
115 Council on State Agency Inspectors General to conduct the review  
116 provided in s. 14.325.

117 (8) Each inspector general shall, not later than September  
118 30 of each year, prepare an annual report summarizing the  
119 activities of the office during the immediately preceding state  
120 fiscal year. The final report shall be furnished to the agency  
121 head. Such report shall include, but need not be limited to:

122 (a) A description of activities relating to the  
123 development, assessment, and validation of performance measures.

124 (b) A description of significant abuses and deficiencies  
125 relating to the administration of programs and operations of the  
126 agency disclosed by investigations, audits, reviews, or other  
127 activities during the reporting period.

128 (c) A description of the recommendations for corrective  
129 action made by the inspector general during the reporting period  
130 with respect to significant problems, abuses, or deficiencies  
131 identified.

132 (d) The identification of each significant recommendation  
133 described in previous annual reports on which corrective action  
134 has not been completed.

135 (e) A summary of each audit and investigation completed  
136 during the reporting period.

137 ~~(9)~~ Each agency inspector general shall, to the extent  
138 both necessary and practicable, include on his or her staff  
139 individuals with electronic data processing auditing experience.

140 Section 3. This act shall take effect July 1, 2006.

141 ===== T I T L E A M E N D M E N T =====

142 Remove the entire title and insert:

143 A bill to be entitled

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1(for drafter's use only)

144 An act relating to agency inspectors general; creating s.  
145 14.325, F.S.; providing definitions; providing legislative  
146 intent; creating the Council on State Agency Inspectors General;  
147 providing for the purpose and membership of the council;  
148 providing duties and responsibilities of the council; requiring  
149 the council to review certain materials submitted by state  
150 agency inspectors general; authorizing the council to hold  
151 meetings under certain circumstances; requiring the council to  
152 issue a report on its findings; amending s. 20.055, F.S.;  
153 requiring an inspector general to submit preliminary findings to  
154 certain affected entities, and any personnel of those entities;  
155 providing such entities and personnel of those entities with an  
156 opportunity to respond to findings of the inspector general;  
157 requiring the agency inspector general to include in its final  
158 report a response from an affected entity or any personnel of  
159 that entity; authorizing an affected entity or personnel of that  
160 entity to request additional review by the Council on State  
161 Agency Inspectors General; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 995

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: State Administration  
Representative(s) Bean offered the following:

**Substitute Amendment for Strike-All Amendment by  
Representative Bean (with title amendment)**

Remove lines 6 - 140 and insert:

Section 1. Section 14.325, Florida Statutes, is created to  
read:

14.325 Council on State Agency Inspectors General.—

(1) For purposes of this section:

(a) "State agency" shall have the same meaning as defined  
in s. 20.055(1)(a).

(b) "Council" means the Council on State Agency Inspectors  
General, which is a council as defined in s. 20.03.

(2) To enhance public trust in government and provide  
leadership in the promotion of accountability and integrity in  
state agencies, there is hereby created the Council on State  
Agency Inspectors General in the Office of Chief Inspector  
General within the Executive Office of the Governor.

(3) The council shall consist of five members:

(a) The Chief Inspector General, who shall serve as chair.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22        (b) Four inspectors general from other state agencies,  
23 appointed by the Governor or his or her designee.

24        (4) A member of the council may not delegate his or her  
25 membership to a designee.

26        (5) A quorum shall consist of at least three members.

27        (6) The council shall convene at least monthly for the  
28 purpose of developing recommendations relating to the creation  
29 of an independent review process for state agency inspector  
30 general investigations and audits.

31        (7) The state agency inspector general review process  
32 developed and recommended by the council shall, at a minimum:

33        (a) Offer entities contracting with state agencies a  
34 meaningful opportunity to challenge in writing the findings,  
35 conclusions, and recommendations contained in a state agency  
36 inspector general's final report.

37        (b) Specifically identify the entities entitled to submit  
38 a response, and identify the circumstances under which the  
39 entity's response must be attached to the state agency inspector  
40 general's final report.

41        (c) A hearing process entitling entities contracting with  
42 state agencies with an opportunity to present to the Chief  
43 Inspector General any additional material relevant to the state  
44 agency inspector general's final report. The review process must  
45 permit the Chief Inspector General to independently investigate  
46 the state agency inspector general's report and the original  
47 investigation.

48        (d) Identify ancillary issues to be addressed, including  
49 but not limited to public records concerns, special conditions  
50 for whistle-blower's investigations, and exemptions for specific  
51 categories of audits or investigations.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52       (8) On or before January 1, 2007, the council shall issue  
53 a report to the Governor, the President of the Senate, and the  
54 Speaker of the House of Representatives containing its  
55 recommendations and proposed state agency inspector general  
56 review process. The report may contain suggested statutory  
57 amendments, proposals for administrative rulemaking to be  
58 implemented pursuant to ss. 120.536(1) and 120.54, and any other  
59 guidelines, procedures, and suggestions relevant to the creation  
60 of a state agency inspector general review process.

61       (9) Administrative support for the council shall be  
62 provided by the Office of Chief Inspector General.

63       (10) This section is repealed June 30, 2007.

64       Section 2. This act shall take effect July 1, 2006.

65  
66 ===== T I T L E   A M E N D M E N T =====

67       Remove line(s) 143 - 161 and insert:

68               A bill to be entitled

69       An act relating to agency inspectors general; creating s.  
70       14.325, F.S.; providing definitions; providing legislative  
71       intent; creating the Council on State Agency Inspectors General;  
72       providing for the purpose and membership of the council;  
73       providing duties and responsibilities of the council; requiring  
74       the council to hold meetings at least monthly; authorizing the  
75       council to develop recommendations relating to inspector general  
76       investigations; providing minimum requirements for the  
77       recommendations developed by the council; providing  
78       administrative support for the council; requiring the council to  
79       issue a report on its findings; providing for repeal of the  
80       section; providing an effective date.

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 1097 CS : Public Records**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

Location: Morris Hall (17 HOB)

HB 1123 CS : Government Accountability

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg		X			
Audrey Gibson		X			
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 7		Total Nays: 2			

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **1123**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	✓ ___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: State Administration Council  
2 Representative(s) Sansom offered the following:

4 **Amendment (with directory amendment)**

5 Remove lines 419-424

8 ===== D I R E C T O R Y A M E N D M E N T =====

9 Remove line 50 and insert:

10 21.008, 21.009, 21.0111, 21.012, 21.0125, 21.013,

000000

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

Location: Morris Hall (17 HOB)

HB 1125 CS : Public Records

☒

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg		X			
Audrey Gibson		X			
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 7</b>		<b>Total Nays: 2</b>			

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1125

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: State Administration Council  
Representative(s) Sansom offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert::

Section 1. Section 21.0195, Florida Statutes, is created  
to read:

21.0195 Confidentiality of information to conduct an  
evaluation and prepare a report.--

(1) A working paper, including all documentary or other  
information, prepared or maintained by the committee in  
performing its duties under this chapter to conduct an  
evaluation and prepare a report is exempt from the provisions of  
s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) A record held by another entity that is considered to  
be confidential and exempt by law and that the committee  
receives in connection with the performance of the committee's  
functions under this chapter remains confidential and exempt  
from the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
State Constitution.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21       (3) This section is subject to the Open Government Sunset  
22 Review Act in accordance with s. 119.15 and shall stand repealed  
23 on October 2, 2011, unless reviewed and saved from repeal  
24 through reenactment by the Legislature.

25       Section 2. The Legislature finds that it is a public  
26 necessity that the working papers, including all documentary or  
27 other information, prepared or maintained by the Legislative  
28 Sunset Advisory Committee in performing its duties under chapter  
29 21, Florida Statutes, to conduct an evaluation and prepare a  
30 report on whether to abolish a state agency and its advisory  
31 committees as defined in s. 21.002, Florida Statutes, be made  
32 exempt from public records requirements. The Legislature finds  
33 that the release of such information would hinder the ability of  
34 the committee to conduct its evaluation and prepare its report  
35 on whether to abolish a state agency and its advisory committees  
36 because employees and other interested persons might be  
37 reluctant to provide information knowing that the information  
38 would be public and could potentially affect their employment or  
39 other dealings with the agency under review. Protecting such  
40 information would help the committee complete a more thorough  
41 and reliable evaluation and therefore make a better  
42 recommendation as to whether or not to terminate a state agency  
43 and its advisory committees.

44       Section 3. This act shall take effect July 1, 2006, if  
45 House Bill 1123 or similar legislation is adopted in the same  
46 legislative session or an extension thereof and becomes law.

47  
48  
49       ===== T I T L E   A M E N D M E N T =====

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

50 Remove everything before the enacting clause and insert:

51 A bill to be entitled

52 An act relating to public records; creating s. 21.0195,  
53 F.S.; exempting from public records requirements working  
54 papers, including all documentary or other information,  
55 prepared or maintained by the Legislative Sunset Advisory  
56 Committee in performing its duties under ch. 21, F.S., to  
57 conduct an evaluation and prepare a report; specifying  
58 that information received for such purpose that is  
59 confidential and exempt shall remain confidential and  
60 exempt; providing for future legislative review and  
61 repeal; providing a statement of public necessity;  
62 providing a contingent effective date.

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 1161 : Okeechobee County**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9      Total Nays: 0</b>					

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 1165 CS : Florida Retirement System**

☒

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway			X		
Stan Jordan				X	
Ron Reagan	X				
David Rivera				X	
Donald Brown (Chair)		X			
<b>Total Yeas: 5      Total Nays: 1</b>					

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1165 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: State Administration Council  
Representative(s) Barreiro offered the following:

**Amendment**

Remove lines 66-67 and insert:

Section 5. This act shall take effect July 1, 2006.



# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

Location: Morris Hall (17 HOB)

HB 1369 CS : Public Records and Public Meetings

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 1435 : Division of Emergency Management of the Department of Community Affairs**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 1435**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: State Administration Council  
2 Representative(s) Harrell offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove line(s) 26-39 and insert:

6 (a) Division of Emergency Management. The division is a  
7 separate budget entity and is not subject to control,  
8 supervision, or direction by the Department of Community Affairs  
9 in any manner, including, but not limited to, personnel,  
10 purchasing, transactions involving personal property, and  
11 budgetary matters. The division director shall be appointed by  
12 the Governor, shall serve at the pleasure of the Governor, and  
13 shall be the agency head of the division for all purposes. The  
14 division shall enter into a service agreement with the  
15 department for professional, technological, and administrative  
16 support services. The division shall collaborate and coordinate  
17 with the department on nonemergency response matters, including,  
18 but not limited to, disaster recovery programs, grant programs,  
19 mitigation programs, and emergency matters related to  
20 comprehensive plans.  
21

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

===== T I T L E A M E N D M E N T =====

Remove line(s) 5-15 and insert:

Emergency Management be designated as agency head of the  
division; providing that the director be appointed by the  
Governor; providing that the division is a separate budget  
entity, not subject to control by the department; providing for  
an agreement between the division and department for certain  
services; prescribing duties of the division; providing an  
effective

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# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

Location: Morris Hall (17 HOB)

HB 1447 CS : Issuance of Licenses and Development Permits

☒

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 denial of the permit. As used in this section, the term  
23 "development permit" has the same meaning as in s. 163.3164.

24 Section 3. This act shall take effect October 1, 2006.  
25

26 ===== T I T L E A M E N D M E N T =====

27 Remove the entire title and insert:

28 An act relating to the denial of development permits;  
29 creating s. 125.022, F.S.; requiring a county to give  
30 written notice of its decision to deny a development  
31 permit; specifying information that the notice must  
32 include; defining the term "development permit"; creating  
33 s. 166.033, F.S.; requiring a municipality to give written  
34 notice of its decision to deny a development permit;  
35 specifying information that the notice must include;  
36 providing an effective date.  
37

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 1563 CS : Public Records**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9      Total Nays: 0</b>					

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM



# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 7121 CS : Disaster Preparedness Response and Recovery**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9      Total Nays: 0</b>					

### Appearances:

Disaster Preparedness

Kraig Conn (Lobbyist) - Opponent

Florida League of Cities

301 S. Bronough

Tallahassee FL 32301

Phone: 222-9684

Disaster Preparedness

Bill Herrie, V.P., Governor's Affairs - Proponent

Florida Retail Federation

227 S. Adams

Tallahassee FL

Phone: 222-4082

Disaster Preparedness

Dave Mica (Lobbyist) - Information Only

Florida Petroleum Comm

215 S. Monroe St.

Tallahassee FL 32301

Phone: 561-6300

Disaster Preparedness

Kenya Cory, Chief Lobbyist (Lobbyist) - Information Only

Associated Industries of Florida

110 E. College Ave.

Tallahassee FL 32301

Phone: 850-681-1065

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

# **COUNCIL MEETING REPORT**

## **State Administration Council**

**4/21/2006 3:30:00PM**

**Location:** Morris Hall (17 HOB)

Disaster Preparedness

Craig Fugate (Lobbyist) (State Employee) - Information Only

State of Florida/DER

Tallahassee FL 32399-2100

Phone: 413-9967

**Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM**

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 7121

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: State Administration Council  
Representative(s) Adams offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. The Legislature finds that there is a  
compelling need to better coordinate emergency response  
capabilities between local, state, federal, non-government and  
private sector partners to provide the best and most effective  
post-disaster services to the people of the State of Florida.  
In order to encourage the rapid recovery of economies in  
disaster affected areas, the Legislature finds that programs to  
restore normal commerce in communities should be a part of the  
State Comprehensive Emergency Management Plan. The Legislature  
recognizes non-government agencies and the private sector as key  
partners in disaster preparedness, response and recovery.  
Further, the Legislature recognizes the demonstrated abilities  
and contributions of these entities in successfully providing  
logistical support and commodities through well-proven  
distribution systems. In order to enhance the State  
Comprehensive Plan, the Division of Emergency Management within

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

the Department of Community Affairs is hereby directed to conduct a feasibility study on incorporating into the state's emergency management plan the logistical supply and distribution of essential commodities by non-government agencies and private entities. In conducting the study, the division shall consult with the Florida Retail Federation, the Florida Petroleum Council, the Florida Petroleum Marketers and Convenience Store Association, the Florida Emergency Preparedness Association, the American Red Cross, Volunteer Florida and other entities as appropriate. No later than February 1, 2007, the division shall make recommendations based on the study to the Governor, the Speaker of the House of Representatives and the President of the Senate.

Section 2. Section 526.143, Florida Statutes, is created to read:

526.143 Alternate generated power capacity for motor fuel dispensing facilities.--

(1) By June 1, 2007, each motor fuel terminal facility, as defined in s. 526.303(16), and each wholesaler, as defined in s. 526.303(16), which sells motor fuel in this state must be capable of operating its distribution loading racks using an alternate generated power source for a minimum of 72 hours. Pending a postdisaster examination of the equipment by the operator to determine any extenuating damage that would render it unsafe to use, the facility must have such alternate generated power source available for operation no later than 36 hours after a major disaster as defined in s. 252.34. Installation of appropriate wiring, including a transfer switch, shall be performed by a certified electrical contractor. Each business that is subject to this subsection must keep a copy of the documentation of such installation on site or at its

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 corporate headquarters. In addition, each business must keep a  
55 written statement attesting to the periodic testing and ensured  
56 operational capacity of the equipment. The required documents  
57 must be made available, upon request, to the Division of  
58 Emergency Management and the director of the county emergency  
59 management agency.

60 (2) Each newly constructed or substantially renovated  
61 motor fuel retail outlet, as defined in s. 526.303(14), for  
62 which a certificate of occupancy is issued on or after July 1,  
63 2006, shall be prewired with an appropriate transfer switch, and  
64 capable of operating all fuel pumps, dispensing equipment, life-  
65 safety systems, and payment-acceptance equipment using an  
66 alternate generated power source. As used in this subsection,  
67 the term "substantially renovated" means a renovation that  
68 results in an increase of greater than 50 percent in the  
69 assessed value of the motor fuel retail outlet. Local building  
70 inspectors shall include this equipment and operations check in  
71 the normal inspection process before issuing a certificate of  
72 occupancy. Each retail outlet that is subject to this  
73 subsection must keep a copy of the certificate of occupancy on  
74 site or at its corporate headquarters. In addition, each retail  
75 outlet must keep a written statement attesting to the periodic  
76 testing of and ensured operational capability of the equipment.  
77 The required documents must be made available, upon request, to  
78 the Division of Emergency Management and the director of the  
79 county emergency management agency.

80 (3)(a) No later than June 1, 2007, each motor fuel retail  
81 outlet described in subparagraphs 1., 2., or 3., which is  
82 located within one-half mile proximate to an interstate highway  
83 or state or federally designated evacuation route must be  
84 prewired with an appropriate transfer switch and be capable of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

operating all fuel pumps, dispensing equipment, life-safety systems, and payment-acceptance equipment using an alternate generated power source:

1. A motor fuel retail outlet located in a county having a population of 300,000 or more which has 16 or more fueling positions.

2. A motor fuel retail outlet located in a county having a population of 100,000 or more, but fewer than 300,000, which has 12 or more fueling positions.

3. A motor fuel retail outlet located in a county having a population of fewer than 100,000 which has eight or more fueling positions.

(b) Installation of appropriate wiring and transfer switches must be performed by a certified electrical contractor. Each retail outlet that is subject to this subsection must keep a copy of the documentation of such installation on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Division of Emergency Management and the director of the county emergency management agency.

(4)(a) Subsections (2) and (3) apply to any self-service, full-service, or combination self-service and full-service motor fuel retail outlet regardless of whether the retail outlet is located on the grounds of, or is owned by, another retail business establishment that does not engage in the business of selling motor fuel.

(b) Subsections (2) and (3) do not apply to:

1. An automobile dealer;

2. A person who operates a fleet of motor vehicles;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

116        3. A person who sells motor fuel exclusively to a fleet of  
117 motor vehicles; or

118        4. A motor fuel retail outlet that has a written agreement  
119 with a public hospital, in a form approved by the Division of  
120 Emergency Management, wherein the public hospital agrees to  
121 provide the motor fuel retail outlet with an alternative means  
122 of power generation onsite so that the outlet's fuel pumps may  
123 be operated in the event of a power outage.

124        (5) (a) Each corporation or other entity that owns 10 or  
125 more motor fuel retail outlets located within a single county  
126 shall maintain at least one portable generator that is capable  
127 of providing an alternate generated power source as required  
128 under subsection (2) for every 10 outlets. If an entity owns  
129 more than 10 outlets or a multiple of 10 outlets plus an  
130 additional six outlets, the entity must provide one additional  
131 generator to accommodate such additional outlets. Each portable  
132 generator must be stored within this state, or may be stored in  
133 another state if located within 250 miles of this state, and  
134 must be available for use in an affected location within 24  
135 hours after a disaster.

136        (b) Each corporation or other entity that owns 10 or more  
137 motor fuel retail outlets located within a single domestic  
138 security region, as determined pursuant to s. 943.0312(1), and  
139 that does not own additional outlets located outside the  
140 domestic security region shall maintain a written document of  
141 agreement with one or more similarly equipped entities for the  
142 use of portable generators that may be used to meet the  
143 requirements of paragraph (a) and that are located within this  
144 state but outside the affected domestic security region. The  
145 agreement may be reciprocal, may allow for payment for services  
146 rendered by the providing entity, and must guarantee the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

availability of the portable generators to an affected location within 24 hours after a disaster.

(c) For purposes of this section, ownership of a motor fuel retail outlet shall be the owner of record of the fuel storage systems operating at the location, as identified in the Department of Environmental Protection underground storage facilities registry pursuant to s. 376.303(1).

Section 3. Section 526.144, Florida Statutes, is created to read

526.144 Florida Disaster Motor Fuel Supplier Program. --

(1)(a) There is created the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs.

(b) Participation in the program shall be at the option of each county governing body. In counties choosing to participate in the program, the local emergency management agency shall be primarily responsible for administering the program within those counties. Nothing in this section shall require participation in the program.

(c) In participating counties, the Florida Disaster Motor Fuel Supplier Program shall allow any retail motor fuel outlet doing business in those counties to participate in a network of emergency responders to provide fuel supplies and services to government agencies, medical institutions and facilities, critical infrastructure, and other responders, as well as the general public, during a declared disaster as described in s. 252.36(2).

(d) Retail motor fuel outlets doing business in participating counties that choose to become members of the Florida Disaster Motor Fuel Supplier Program must be able to demonstrate the capability to provide onsite fuel dispensing services to other members of the State Emergency Response Team



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

178 within 24 hours after a major disaster has occurred, and agree  
179 to make such service available as needed. Local emergency  
180 management agencies may determine appropriate measures for  
181 determining such readiness, including acceptance of a written  
182 attestation from the retail motor fuel outlet, a copy of an  
183 executed contract for services, or other documents or activities  
184 that may demonstrate readiness. Participating retail motor fuel  
185 outlets may choose to sell motor fuel through a pre-existing  
186 contract with local, state, or federal response agencies or may  
187 provide point-of-sale service to such agencies. In addition,  
188 participating retail motor fuel outlets may choose to sell motor  
189 fuel to the general public upon compliance with requirements to  
190 provide service under ss. 252.35 and 252.38 as directed by  
191 county or state emergency management officials. Nothing in this  
192 section shall preclude any retail motor fuel outlet from selling  
193 fuel during lawful operating hours. Non-participating motor  
194 fuel retail outlets may not operate during declared curfew  
195 hours. If requested, appropriate law enforcement or security  
196 personnel may be provided through emergency management protocol  
197 to the participating business for the purpose of maintaining  
198 civil order during operating hours.

199 (e) Motor fuel outlets that choose to participate in the  
200 Florida Disaster Motor Fuel Supplier Program pursuant to  
201 paragraph (d) may be issued a State Emergency Response Team logo  
202 by the participating county emergency management agency for  
203 public display to alert emergency responders and the public that  
204 the business is capable of assisting in an emergency.

205 (f) Counties that choose to participate in the Florida  
206 Disaster Motor Fuel Supplier Program may charge a fee to cover  
207 the actual costs of accepting a retail motor fuel outlet into  
208 the program, including the cost of performing any required

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

209 review, filing of necessary forms, and producing logo decals for  
210 public display. Additional charges may not be imposed for  
211 processing individual documents associated with the program.  
212 Funds collected shall be deposited into an appropriate county  
213 operating account.

214 (3) Persons who are designated as members of the State  
215 Emergency Response Team and who can produce appropriate  
216 identification, as determined by state or county emergency  
217 management officials, shall be given priority for purchasing  
218 fuel at businesses designated as members of the State Emergency  
219 Response Team. A business may be directed by county or state  
220 emergency management officials to remain open during a declared  
221 curfew in order to provide service for emergency personnel.  
222 Under such direction, the business is not in violation of the  
223 curfew and may not be penalized for such operation and the  
224 emergency personnel are not in violation of the curfew. A person  
225 traveling during a curfew must be able to produce valid official  
226 documentation of his or her position with the State Emergency  
227 Response Team or the local emergency management agency. Such  
228 documentation may include, but need not be limited to, current  
229 SERT identification badge, current law enforcement or other  
230 response agency identification or shield, current health care  
231 employee identification card, or current government services  
232 identification card indicating a critical services position.

233 (4) A business that is designated as a member of the State  
234 Emergency Response Team may request priority in receiving a  
235 resupply of fuel in order to continue service to emergency  
236 responders. Such request is not binding, but shall be considered  
237 by emergency management officials in determining appropriate  
238 response actions.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

239        (5) Notwithstanding any other law or local ordinance and  
240 for the purpose of ensuring an appropriate emergency management  
241 response following major disasters in this state, the  
242 regulation, siting, and placement of alternate power source  
243 capabilities and equipment at motor fuel terminal facilities,  
244 wholesalers, and retail sales outlets are preempted to the  
245 state.

246        (6) The Energy Office of the Department of Environmental  
247 Protection shall review situational progress in post-disaster  
248 motor fuel supply distribution and provide a report to the  
249 Legislature by March 1, 2007. The report must include  
250 information concerning statewide compliance with s. 526.143,  
251 Florida Statutes, and an identification of all motor fuel retail  
252 outlets that are participating in the Florida Disaster Motor  
253 Fuel Supplier Program.

254        Section 4. Subsection (2) of section 501.160, Florida  
255 Statutes, is amended to read:

256        501.160 Rental or sale of essential commodities during a  
257 declared state of emergency; prohibition against unconscionable  
258 prices.--

259        (2) Upon a declaration of a state of emergency by the  
260 Governor, it is unlawful and a violation of s. 501.204 for a  
261 person or her or his agent or employee to rent or sell or offer  
262 to rent or sell at an unconscionable price within the area for  
263 which the state of emergency is declared, any essential  
264 commodity including, but not limited to, supplies, services,  
265 provisions, or equipment that is necessary for consumption or  
266 use as a direct result of the emergency. This prohibition is  
267 effective not to exceed 60 days under the initial declared state  
268 of emergency as defined in s. 252.36(2,) F.S. and shall be

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

renewed by statement in any subsequent renewals of the declared state of emergency by the Governor.

Section 5. Section 553.509, Florida Statutes, is amended to read:

553.509 Vertical accessibility.--Nothing in sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupied grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility, except for the areas, rooms, and spaces described in subsections (1), (2), and (3):

(1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms.;

(2) Unoccupiable spaces, such as rooms, enclosed spaces, and storage spaces that are not designed for human occupancy, for public accommodations, or for work areas.; and

(3) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.

(4) (a) Any person, firm, or corporation that owns, manages, or operates a residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, shall have at least one public elevator that is capable of operating on an alternate power source for emergency purposes. Alternate power shall be available for the purpose of allowing all residents access for a specified number of hours each day over a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

300 5-day period following a natural disaster, manmade disaster,  
301 emergency, or other civil disturbance that disrupts the normal  
302 supply of electricity. The alternate power source that controls  
303 elevator operations must also be capable of powering any  
304 connected fire alarm system in the building.

305 (b) At a minimum, the elevator must be appropriately pre-  
306 wired and prepared to accept an alternate power source and must  
307 have a connection on the line side of the main disconnect,  
308 pursuant to National Electric Code Handbook, Article 700. In  
309 addition to the required power source for the elevator and  
310 connected fire alarm system in the building, the alternate power  
311 supply must be sufficient to provide emergency lighting to the  
312 interior lobbies, hallways, and other portions of the building  
313 used by the public. Residential multifamily dwellings must have  
314 an available generator and fuel source on the property or have  
315 proof of a current contract posted in the elevator machine room  
316 or other place conspicuous to the elevator inspector affirming a  
317 current guaranteed service contract for such equipment and fuel  
318 source to operate the elevator on an on-call basis within 24  
319 hours after a request. By December 31, 2006, any person, firm or  
320 corporation that owns, manages or operates a residential  
321 multifamily dwelling as defined in (4)(a) must provide to the  
322 local building inspection agency verification of engineering  
323 plans for residential multifamily dwellings that provide for the  
324 capability to generate power by alternate means . Compliance  
325 with installation requirements and operational capability  
326 requirements must be verified by local building inspectors and  
327 reported to the county emergency management agency by December  
328 31, 2007.

329 (c) Each newly constructed residential multifamily  
330 dwelling, including a condominium, that is at least 75 feet high

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

331 and contains a public elevator, as described in s. 399.035(2)  
332 and (3) and rules adopted by the Florida Building Commission,  
333 must have at least one public elevator that is capable of  
334 operating on an alternate power source for the purpose of  
335 allowing all residents access for a specified number of hours  
336 each day over a 5-day period following a natural disaster,  
337 manmade disaster, emergency, or other civil disturbance that  
338 disrupts the normal supply of electricity. The alternate power  
339 source that controls elevator operations must be capable of  
340 powering any connected fire alarm system in the building. In  
341 addition to the required power source for the elevator and  
342 connected fire alarm system, the alternate power supply must be  
343 sufficient to provide emergency lighting to the interior  
344 lobbies, hallways, and other portions of the building used by  
345 the public. Engineering plans and verification of operational  
346 capability must be provided by the local building inspector to  
347 the county emergency management agency before occupancy of the  
348 newly constructed building.

349 (d) Each person, firm, or corporation that is required to  
350 maintain an alternate power source under this subsection shall  
351 maintain a written emergency operations plan that details the  
352 sequence of operations before, during, and after a natural or  
353 manmade disaster or other emergency situation. The plan must  
354 include, at a minimum, a life safety plan for evacuation,  
355 maintenance of the electrical and lighting supply, and  
356 provisions for the health, safety, and welfare of the residents.  
357 In addition, the owner, manager, or operator of the residential  
358 multifamily dwelling must keep written records of any contracts  
359 for alternative power generation equipment. Also, quarterly  
360 inspection records of life safety equipment and alternate power  
361 generation equipment must be posted in the elevator machine room

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

362 or other place conspicuous to the elevator inspector, which  
363 confirm that such equipment is properly maintained and in good  
364 working condition, and copies of contracts for alternate power  
365 generation equipment shall be maintained on site for  
366 verification. The written emergency operations plan and  
367 inspection records shall also be open for periodic inspection by  
368 local and state government agencies as deemed necessary. The  
369 owner or operator must keep a generator key in a lockbox posted  
370 at or near any installed generator unit.

371 (e) Multistory affordable residential dwellings for  
372 persons age 62 and older that are financed or insured by the  
373 United States Department of Housing and Urban Development must  
374 make every effort to obtain grant funding from the Federal  
375 Government or the Florida Housing Finance Corporation to comply  
376 with this subsection. If an owner of such a residential dwelling  
377 cannot comply with the requirements of this subsection, the  
378 owner must develop a plan with the local emergency management  
379 agency to ensure that residents are evacuated to a place of  
380 safety in the event of a power outage resulting from a natural  
381 or manmade disaster or other emergency situation that disrupts  
382 the normal supply of electricity for an extended period of time.  
383 A place of safety may include, but is not limited to, relocation  
384 to an alternative site within the building or evacuation to a  
385 local shelter.

386 (f) As a part of the annual elevator inspection required  
387 under s. 399.061, certified elevator inspectors shall confirm  
388 that all installed generators required by this chapter are in  
389 working order, have current inspection records posted in the  
390 elevator machine room or other place conspicuous to the elevator  
391 inspector, and that the required generator key is present in the  
392 lockbox posted at or near the installed generator. If a building

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

393 does not have an installed generator, the inspector shall  
394 confirm that the appropriate pre-wiring and switching  
395 capabilities are present and that a statement is posted in the  
396 elevator machine room or other place conspicuous to the elevator  
397 inspector affirming a current guaranteed contract exists for  
398 contingent services for alternate power is current for the  
399 operating period.

400  
401 However, buildings, structures, and facilities must, as a  
402 minimum, comply with the requirements in the Americans with  
403 Disabilities Act Accessibility Guidelines.

404  
405 Section 6. Paragraph (i) of subsection (2) of section  
406 252.35, Florida Statutes, is amended to read, and paragraphs  
407 (j)(s), and (t) of subsection (2) of section 252.35, Florida  
408 Statutes, are created to read:

409 252.35 Emergency management powers; Division of Emergency  
410 Management.--

411 (2) The division is responsible for carrying out the  
412 provisions of ss. 252.31-252.90. In performing its duties under  
413 ss. 252.31-252.90, the division shall:

414 (i) Institute statewide public awareness programs. This  
415 shall include an intensive public educational campaign on  
416 emergency preparedness issues, including, but not limited to,  
417 the personal responsibility of individual citizens to be self-  
418 sufficient for up to 72 hours following a natural or manmade  
419 disaster. The public educational campaign shall include relevant  
420 information on statewide disaster plans, evacuation routes, fuel  
421 suppliers, and shelters. All educational materials must be  
422 available in alternative formats and mediums to ensure that they  
423 are available to persons with disabilities.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

424       (j) The Division of Emergency Management and the  
425 Department of Education shall coordinate with the Agency For  
426 Persons with Disabilities to provide an educational outreach  
427 program on disaster preparedness and readiness to individuals  
428 who have limited English skills and identify persons who are in  
429 need of assistance but are not defined under special-needs  
430 criteria.

431       (s) By January 1, 2007, the Division of Emergency  
432 Management shall complete an inventory of portable generators  
433 owned by the state and local governments which are capable of  
434 operating during a major disaster. The inventory must identify,  
435 at a minimum, the location of each generator, the number of  
436 generators stored at each specific location, the agency to which  
437 each the generator belongs, the primary use of the generator by  
438 the owner agency, and the names, addresses, and telephone  
439 numbers of persons having the authority to loan the stored  
440 generators as authorized by the Division of Emergency Management  
441 during a declared emergency.

442       (t) The division shall maintain an inventory list of  
443 generators owned by the state and local governments. In  
444 addition, the division may keep a list of private entities,  
445 along with appropriate contact information, which offer  
446 generators for sale or lease. The list of private entities shall  
447 be available to the public for inspection in written and  
448 electronic formats.

449       Section 7. The Legislature finds that county emergency  
450 operations centers should meet the minimum criteria for  
451 structural survivability and sufficiency of operational space,  
452 as determined by assessments performed by the Department of  
453 Community Affairs based on guidance from the Federal Emergency  
454 Management Agency. Criteria for a county emergency operations

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

455 center include, but are not limited to, county population,  
456 hurricane evacuation clearance time for the vulnerable  
457 population of the county, structural survivability of the  
458 existing emergency operations center, and FEMA guidance for  
459 workspace requirements for the emergency operations center.  
460 First priority for funding shall be for county emergency  
461 operations centers where no survivable facility exists and where  
462 workspace deficits exist. Funding may not be used for land  
463 acquisition or recurring expenditures. Funding is limited to the  
464 construction or structural renovation of the county emergency  
465 operations center in order to meet national workspace  
466 recommendations and may not be used to purchase equipment,  
467 furnishings, communications, or operational systems. There is  
468 hereby appropriated \$20 million from non-recurring General  
469 Revenue and \$8.6 million from the U.S. Contributions Trust Fund  
470 to the Department of Community Affairs in fixed capital outlay  
471 to establish a competitive award process to implement this  
472 section. No more than 5% of the funds provided under this  
473 section may be used by the Department for administration of the  
474 funding.

475 Section 8. Appropriated funds may be used for increasing  
476 storage capacity; improving technologies to manage commodities;  
477 and enhancing the ability to maintain in a safe and secure  
478 manner an inventory of supplies, equipment, and commodities that  
479 would be needed in the immediate aftermath of a disaster. There  
480 is hereby appropriated \$400,000 from nonrecurring General  
481 Revenue, \$1.6 million from recurring Emergency Management,  
482 Preparedness and Assistance Trust Fund, and \$4.5 million from  
483 nonrecurring Emergency Management Preparedness and Assistance  
484 Trust Fund to the Department of Community Affairs for logistical  
485 improvements and technology.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

486        Section 9. Appropriated funds may be used to update  
487 hurricane evacuation plans using Light Detecting and Ranging  
488 technology and the National Hurricane Center's computerized Sea,  
489 Lake and Overland Surges for Hurricanes model. There is hereby  
490 appropriated \$29 million from the U.S. Contributions Trust Fund  
491 to the Department of Community Affairs to update regional  
492 hurricane evacuation plans using Light Detecting and Ranging  
493 Technology and the National Hurricane Center computerized Sea,  
494 Lake and Overland Surges for Hurricanes model. No more than 5%  
495 of the funds provided under this section may be used by the  
496 Department for administration of this funding.

497        Section 10. There is hereby appropriated \$76,150  
498 nonrecurring General Revenue to the Department of Community  
499 Affairs for a study on the feasibility of incorporating non-  
500 government agencies and private entities into the logistical  
501 supply and distribution system for essential commodities.

502        Section 11. 4 million from the U.S. Contributions Trust  
503 Fund to the Department of Community Affairs for the Division of  
504 Emergency Management's public awareness campaign.

505        Section 12. If any provision of this act or its  
506 application to any person or circumstance is held invalid, the  
507 invalidity does not affect other provisions or applications of  
508 the act which can be given effect without the invalid provision  
509 or application, and to this end the provisions of this act are  
510 severable.

511        Section 13. This act shall take effect July 1, 2006.

512  
513 ===== T I T L E   A M E N D M E N T =====

514        Remove the entire title and insert:  
515 An act relating to disaster preparedness response and recovery;  
516 directing the Division of Emergency Management to conduct a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

517 feasibility study relating to the supply and distribution of  
518 essential commodities by non-government and private entities; on  
519 creating s. 526.143, F.S.; providing that each motor fuel  
520 terminal facility and wholesaler that sells motor fuel in the  
521 state must be capable of operating its distribution loading  
522 racks using an alternate power source for a specified period by  
523 a certain date; providing requirements with respect to the  
524 operation of such equipment following a major disaster;  
525 providing requirements with respect to inspection of such  
526 equipment; requiring newly constructed or substantially  
527 renovated motor fuel retail outlets to be capable of operation  
528 using an alternate power source; defining "substantially  
529 renovated"; requiring certain motor fuel retail outlets located  
530 within a specified distance from an interstate highway or state  
531 or federally designated evacuation route to be capable of  
532 operation using an alternate power source by a specified date;  
533 providing inspection and recordkeeping requirements; providing  
534 applicability; creating s. 526.144, F.S.; creating the Florida  
535 Disaster Motor Fuel Supplier Program within the Department of  
536 Community Affairs; providing requirements for participation in  
537 the program; providing that participation in the program shall  
538 be at the option of each county; providing for administration of  
539 the program; providing requirements of businesses certified as  
540 State Emergency Response Team members; providing for preemption  
541 to the state of the regulation of and requirements for siting  
542 and placement of an alternate power source and any related  
543 equipment at motor fuel terminal facilities, wholesalers, and  
544 retail sales outlets; providing for review of the program;  
545 providing a report; amending s. 501.160, F.S., providing  
546 limiting price gouge prohibition periods; providing prohibition  
547 period renewal; amending s. 553.509, F.S., relating to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

548 requirements with respect to vertical accessibility under pt. II  
549 of ch. 553, F.S., the "Florida Americans With Disabilities  
550 Accessibility Implementation Act"; requiring specified existing  
551 and newly constructed residential multifamily dwellings to have  
552 at least one public elevator that is capable of operating on an  
553 alternate power source for emergency purposes; providing  
554 requirements with respect to the alternate power source;  
555 providing for verification of compliance by specified dates;  
556 providing requirements with respect to emergency operations  
557 plans and inspection records; requiring any person, firm, or  
558 corporation that owns, manages or operates specified multistory  
559 affordable residential dwellings to attempt to obtain grant  
560 funding to comply with the act; requiring an owner, manager or  
561 operator of such a dwelling to develop an evacuation plan in the  
562 absence of compliance with the act; providing additional  
563 inspection requirements under ch. 399, F.S., the "Elevator  
564 Safety Act"; amending s. 252.35, F.S.; expanding the duty of the  
565 Division of Emergency Management to conduct a public educational  
566 campaign on emergency preparedness issues; expanding the duty of  
567 the Division of Emergency Management to create and maintain  
568 lists of emergency generator; providing an additional duty of  
569 the division with respect to educational outreach concerning  
570 disaster preparedness; providing legislative findings with  
571 respect to minimum criteria for county emergency operations  
572 centers; specifying criteria for county emergency operations  
573 centers; providing priority and restrictions for funding;  
574 providing an appropriation to the Department of Community  
575 Affairs to establish a competitive award process; providing  
576 legislative findings with respect to improved logistical staging  
577 and warehouse capacity for commodities; providing uses of  
578 appropriated funds; providing an appropriation to the Department

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

579 of Community Affairs for logistical improvements and technology;  
580 providing legislative findings with respect to hurricane  
581 evacuation recommendations; providing for use of appropriated  
582 funds; providing an appropriation to the Department of Community  
583 Affairs to update regional hurricane evacuation plans; providing  
584 an appropriation to the Department of Community Affairs to  
585 conduct a feasibility study; providing an appropriation to the  
586 Department of Community Affairs for the Division of Emergency  
587 Management's public awareness campaign; providing severability;  
588 providing an effective date.  
589

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. (for drafter's use only)

Bill No. **HB 7121**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: State Administration Council  
2 Representative(s) Adams offered the following:

3  
4 **Amendment to Amendment (1) by Representative Adams**

5 Remove line(s) 502 and insert:

6 Section 11. There is hereby appropriated \$3.4 million from  
7 the U.S. Contributions Trust  
8

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: State Administration Council  
Representative(s) Reagan offered the following:

**Amendment to Amendment (1) by Representative Adams**

Remove line(s) 239-245 and insert:

(5) Notwithstanding any other law or local ordinance and for the purpose of ensuring an appropriate emergency management response following major disasters in this state, the regulation, siting, and placement of alternate power source capabilities and equipment, the use of primary or alternate personnel, and submittal of emergency response plans, at motor fuel terminal facilities, motor fuel wholesalers, motor fuel retail sales outlets, and all other retail sales outlets are preempted to the state.

(6) To that end, all ordinances enacted prior to July 1, 2006 of every county, municipality and other governing body shall stand unenforceable and no county, municipality or other governing body shall have the power to adopt any ordinance relating to such subjects.



# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 7155 : State Financial Matters**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9      Total Nays: 0</b>					

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 7185 CS : Procurement of Contractual Services by a State Agency**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg		X			
Audrey Gibson		X			
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 7</b>		<b>Total Nays: 2</b>			

### Appearances:

Procurement

Frank Meiners (Lobbyist) - Information Only

Associated Industries of Florida

516 N. Adams

Tallahassee FL 32301

Phone: 224-7173

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7185 CS

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: State Administration  
Representative(s) Rivera offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (14) and paragraph  
(b) of subsection (17) of section 287.057, Florida Statutes, are  
amended, and subsection (26) is added to that section, to read:

287.057 Procurement of commodities or contractual  
services.--

(14)(a) Contracts for commodities or contractual services  
may be renewed for a period that may not exceed 3 years or the  
term of the original contract, whichever period is longer.  
Renewal of a contract for commodities or contractual services  
shall be in writing and shall be subject to the same terms and  
conditions set forth in the initial contract. If the commodity  
or contractual service is purchased as a result of the  
solicitation of bids, proposals, or replies, the price of the  
commodity or contractual service to be renewed shall be  
specified in the bid, proposal, or reply. A renewal contract may  
not include any compensation for costs associated with the  
renewal. Renewals shall be contingent upon satisfactory

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to paragraphs (5)(a) and (c) may not be renewed. With the exception of subsection (13), if a contract amendment results in a longer contract term or increased payments, a state agency may not renew or amend a contract for the outsourcing of a service or activity that has an original term value exceeding the sum of \$10 million before submitting a written report concerning contract performance to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days before execution of the renewal or amendment.

(17) For a contract in excess of the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall appoint:

(b) At least three persons to conduct negotiations during a competitive sealed reply procurement who collectively have experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought. When the value of a contract is in excess of \$1 million in any fiscal year, at least one of the persons conducting negotiations must be certified as a contract negotiator based upon rules adopted by the Department of Management Services in order to ensure that certified contract negotiators are knowledgeable about effective negotiation strategies, capable of successfully implementing those strategies, and involved appropriately in the procurement process. At a minimum, the rules must address the qualifications required for certification, the method of certification, and the procedure for involving the certified negotiator. If the value of a contract is in excess of \$10 million in any fiscal year, at least one of the persons conducting negotiations must be a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 Project Management Professional, as certified by the Project  
55 Management Institute.

56 (26) Each solicitation for the procurement of commodities  
57 or contractual services shall include the following provision:  
58 "Respondents to this solicitation or persons acting on their  
59 behalf may not contact, between the release of the solicitation  
60 and the end of the 72-hour period following the agency posting  
61 the notice of intended award, excluding Saturdays, Sundays, and  
62 state holidays, any employee or officer of the executive or  
63 legislative branch concerning any aspect of this solicitation,  
64 except in writing to the procurement officer or as provided in  
65 the solicitation documents. Violation of this provision may be  
66 grounds for rejecting a response."

67 Section 2. Section 287.0571, Florida Statutes, is created  
68 to read:

69 287.0571 Applicability of ss. 287.0571-287.0574.--

70 (1) Sections 287.0571-287.0574 may be cited as the  
71 "Florida Efficient Government Act."

72 (2) It is the intent of the Legislature that each state  
73 agency focus on its core mission and deliver services  
74 effectively and efficiently by leveraging resources and  
75 contracting with private-sector vendors whenever vendors can  
76 more effectively and efficiently provide services and reduce the  
77 cost of government.

78 (3) It is further the intent of the Legislature that  
79 business cases to outsource be evaluated for feasibility, cost-  
80 effectiveness, and efficiency before a state agency proceeds  
81 with any outsourcing of services.

82 (4) Sections 287.0571-287.0574 do not apply to:

83 (a) A procurement of commodities and contractual services  
84 listed in s. 287.057(5)(e), (f), and (g) and (22).

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85        (b) A procurement of contractual services subject to s.  
86        287.055.

87        (c) A contract in support of the planning, development,  
88        implementation, operation, or maintenance of the road, bridge,  
89        and public transportation construction program of the Department  
90        of Transportation.

91        (d) A procurement of commodities or contractual services  
92        which does not constitute an outsourcing of services or  
93        activities.

94        Section 3. Section 287.05721, Florida Statutes, is created  
95        to read:

96        287.05721 Definitions.--As used in ss. 287.0571-287.0574,  
97        the term:

98        (1) "Council" means the Council on Efficient Government.

99        (2) "Outsource" means the process of contracting with a  
100       vendor to provide a service as defined in s. 216.011(1)(f), in  
101       whole or in part, or an activity as defined in s.  
102       216.011(1)(rr), while a state agency retains the responsibility  
103       and accountability for the service or activity and there is a  
104       transfer of management responsibility for the delivery of  
105       resources and the performance of those resources.

106       Section 4. Section 287.0573, Florida Statutes, is created  
107       to read:

108       287.0573 Council on Efficient Government; membership;  
109       duties.--

110       (1) There is created a Council on Efficient Government  
111       within the Department of Management Services to review,  
112       evaluate, and issue advisory reports on business cases submitted  
113       to the council as specified in this section.

114       (2) The council shall consist of seven members appointed  
115       by the Governor pursuant to s. 20.052:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

116 (a) The Secretary of the Department of Management  
117 Services, who shall serve as chair.

118 (b) A Cabinet member other than the Governor, or his or  
119 her senior management or executive staff designee.

120 (c) Two heads of executive branch agencies.

121 (d) Three members from the private sector who are subject  
122 to confirmation by the Senate and who, collectively, have  
123 experience with procurement, successfully increasing operational  
124 efficiency, and implementing complex projects in the private-  
125 sector business environment. A private-sector member of the  
126 council may not at any time during his or her appointment to the  
127 council be registered to lobby the executive or legislative  
128 branch.

129 (3) Within 45 days after the effective date of this  
130 section, the Governor shall appoint two private-sector members  
131 and one state agency head for terms of 1 year and one private-  
132 sector member and one agency head for terms of 2 years.  
133 Thereafter, each member shall be appointed for a term of 2  
134 years. The private-sector members shall serve without  
135 compensation, but are entitled to reimbursement for per diem and  
136 travel expenses pursuant to s. 112.061.

137 (4) A member of the council may not participate in a  
138 council review of a business case to outsource if his or her  
139 state agency is conducting the proposed outsourcing or, in the  
140 case of a private-sector member, if he or she has a business  
141 relationship with an entity that is involved or could  
142 potentially be involved in the proposed outsourcing.

143 (5) A member of the council, except the cabinet member,  
144 may not delegate his or her membership to a designee.

145 (6) A quorum shall consist of at least four members,  
146 including at least two private-sector members.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

147       (7) Any vacancy on the council shall be filled in the same  
148 manner as the original appointment, and any member appointed to  
149 fill a vacancy occurring for a reason other than the expiration  
150 of a term shall serve only for the unexpired term of the  
151 member's predecessor.

152       (8) The council shall:

153       (a) Employ a standard process for reviewing business cases  
154 to outsource.

155       (b) Review and evaluate business cases to outsource as  
156 requested by the Governor or the state agency head whose agency  
157 is proposing to outsource or as required by ss. 287.0571-  
158 287.0574 or by law.

159       (c) No later than 30 days before a state agency's issuance  
160 of a solicitation of \$10 million or more, provide to the agency  
161 conducting the procurement, the Governor, the President of the  
162 Senate, and the Speaker of the House of Representatives an  
163 advisory report for each business case reviewed and evaluated by  
164 the council. The report must contain all versions of the  
165 business case, an evaluation of the business case, any relevant  
166 recommendations, and sufficient information to assist the state  
167 agency proposing to outsource in determining whether the  
168 business case to outsource should be included with the  
169 legislative budget request.

170       (d) Recommend and implement standard processes for state  
171 agency and council review and evaluate state agency business  
172 cases to outsource, including templates for use by state  
173 agencies in submitting business cases to the council.

174       (e) Develop standards and best-practice procedures for use  
175 by state agencies in evaluating business cases to outsource.

176       (f) Recommend standards, processes, and guidelines for use  
177 by state agencies in developing business cases to outsource.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

178 (g) Incorporate any lessons learned from outsourcing  
179 services and activities into council standards, procedures, and  
180 guidelines, as appropriate, and identify and disseminate to  
181 agencies information regarding best practices in outsourcing  
182 efforts.

183 (h) Develop, in consultation with the Agency for Workforce  
184 Innovation, guidelines for assisting state employees whose jobs  
185 are eliminated as a result of outsourcing.

186 (9) The council shall identify and report yearly to the  
187 Legislature on:

188 (a) Innovative methods of delivering government services  
189 which would improve the efficiency, effectiveness, or  
190 competition in the delivery of government services, including,  
191 but not limited to, enterprise-wide proposals.

192 (b) Outsourcing efforts of each state agency which shall  
193 include, but not be limited to, the number of outsourcing  
194 business cases and solicitations, the number and dollar value of  
195 outsourcing contracts, an explanation of agency progress on  
196 achieving the cost-benefit analysis schedule as required by s.  
197 287.0574(4)(h), descriptions of performance results, as  
198 applicable, any contract violations or project slippages, and  
199 the status of extensions, renewals, and amendments of  
200 outsourcing contracts.

201 (10) The department shall employ an adequate number of  
202 staff who collectively possess significant expertise and  
203 experience as required to carry out the responsibilities of this  
204 act.

205 (11) The secretary of the Department of Management  
206 Services shall appoint an executive director.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(12) Each state agency shall submit to the council all information, documents, or other materials required by the council or this chapter.

Section 5. Section 287.0574, Florida Statutes, is created to read:

287.0574 Business cases to outsource; review and analysis; requirements.--

(1) A business case to outsource having a projected cost exceeding \$10 million in any fiscal year shall require:

(a) An initial business case analysis conducted by the state agency and submitted to the council, the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 60 days before a solicitation is issued. The council shall evaluate the business case analysis and submit an advisory report to the state agency, the Governor, the President of the Senate, and the Speaker of the House of Representatives when the advisory report is completed, but at least 30 days before the agency issues the solicitation.

(b) A final business case analysis conducted by the state agency and submitted after the conclusion of any negotiations, at least 30 days before execution of a contract, to the council, the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(2) A proposal to outsource having a projected cost that ranges from \$1 million to \$10 million in any fiscal year shall require:

(a) An initial business case analysis conducted by the state agency and submission of the business case at least 30 days before issuing a solicitation to the council, the Governor, the President of the Senate, and the Speaker of the House of Representatives.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

238        (b) A final business case analysis conducted by the state  
239 agency and submitted after the conclusion of any negotiations,  
240 at least 30 days before execution of a contract, to the council,  
241 the Governor, the President of the Senate, and the Speaker of  
242 the House of Representatives.

243        (3) A business case to outsource having a projected cost  
244 that is less than \$1 million in any fiscal year shall require a  
245 final business case analysis conducted by the state agency after  
246 the conclusion of any negotiations and provided at least 30 days  
247 before execution of a contract to the council. The council shall  
248 provide such business cases in its annual report to the  
249 Legislature.

250        (4) For any proposed outsourcing, the state agency shall  
251 develop a business case that justifies the proposal to  
252 outsource. In order to reduce any administrative burden, the  
253 council may allow a state agency to submit the business case in  
254 the form required by the budget instructions issued pursuant to  
255 s. 216.023(4)(a)11., augmented with additional information if  
256 necessary, to ensure that the requirements of this section are  
257 met. The business case is not subject to challenge or protest  
258 pursuant to chapter 120. The business case must include, but  
259 need not be limited to:

260        (a) A detailed description of the service or activity for  
261 which the outsourcing is proposed.

262        (b) A description and analysis of the state agency's  
263 current performance, based on existing performance metrics if  
264 the state agency is currently performing the service or  
265 activity.

266        (c) The goals desired to be achieved through the proposed  
267 outsourcing and the rationale for such goals.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(d) A citation to the existing or proposed legal authority for outsourcing the service or activity.

(e) A description of available options for achieving the goals. If state employees are currently performing the service or activity, at least one option involving maintaining state provision of the service or activity shall be included.

(f) An analysis of the advantages and disadvantages of each option, including, at a minimum, potential performance improvements and risks.

(g) A description of the current market for the contractual services that are under consideration for outsourcing.

(h) A cost-benefit analysis documenting the direct and indirect specific baseline costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the recommended option or options. Such analysis must specify the schedule that, at a minimum, must be adhered to in order to achieve the estimated savings. All elements of cost must be clearly identified in the cost-benefit analysis, described in the business case, and supported by applicable records and reports. The state agency head shall attest that, based on the data and information underlying the business case, to the best of his or her knowledge, all projected costs, savings, and benefits are valid and achievable. As used in this section, the term "cost" means the reasonable, relevant, and verifiable cost, which may include, but is not limited to, elements such as personnel, materials and supplies, services, equipment, capital depreciation, rent, maintenance and repairs, utilities, insurance, personnel travel, overhead, and interim and final payments. The appropriate elements shall depend on the nature of the specific initiative. As used in this

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

299 section, the term "savings" means the difference between the  
300 direct and indirect actual annual baseline costs compared to the  
301 projected annual cost for the contracted functions or  
302 responsibilities in any succeeding state fiscal year during the  
303 term of the contract.

304 (i) A description of differences among current state  
305 agency policies and processes and, as appropriate, a discussion  
306 of options for or a plan to standardize, consolidate, or revise  
307 current policies and processes, if any, to reduce the  
308 customization of any proposed solution that would otherwise be  
309 required.

310 (j) A description of the specific performance standards  
311 that must, at a minimum, be met to ensure adequate performance.

312 (k) The projected timeframe for key events from the  
313 beginning of the procurement process through the expiration of a  
314 contract.

315 (l) A plan to ensure compliance with the public records  
316 law.

317 (m) A specific and feasible contingency plan addressing  
318 contractor nonperformance and a description of the tasks  
319 involved in and costs required for its implementation.

320 (n) A state agency's transition plan for addressing  
321 changes in the number of agency personnel, affected business  
322 processes, employee transition issues, and communication with  
323 affected stakeholders, such as agency clients and the public.  
324 The transition plan must contain a reemployment and retraining  
325 assistance plan for employees who are not retained by the state  
326 agency or employed by the contractor.

327 (o) A plan for ensuring access by persons with  
328 disabilities in compliance with applicable state and federal  
329 law.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

330       (p) A description of legislative and budgetary actions  
331       necessary to accomplish the proposed outsourcing.

332       (5) In addition to the contract requirements provided in  
333       s. 287.058, each contract for a proposed outsourcing, pursuant  
334       to s. 287.0574, must include, but need not be limited to, the  
335       following contractual provisions:

336       (a) A scope-of-work provision that clearly specifies each  
337       service or deliverable to be provided, including a description  
338       of each deliverable or activity that is quantifiable,  
339       measurable, and verifiable. This provision must include a clause  
340       that states that if a particular service or deliverable is  
341       inadvertently omitted or not clearly specified but determined to  
342       be operationally necessary and verified to have been performed  
343       by the agency within the 12 months before the execution of the  
344       contract, such service or deliverable will be provided by the  
345       contractor through the identified contract amendment process.

346       (b) A service-level agreement provision describing all  
347       services to be provided under the terms of the agreement, the  
348       state agency's service requirements and performance objectives,  
349       specific responsibilities of the state agency and the  
350       contractor, and the process for amending any portion of the  
351       service-level agreement. Each service-level agreement must  
352       contain an exclusivity clause that allows the state agency to  
353       retain the right to perform the service or activity, directly or  
354       with another contractor, if service levels are not being  
355       achieved.

356       (c) A provision that identifies all associated costs,  
357       specific payment terms, and payment schedules, including  
358       provisions governing incentives and financial disincentives and  
359       criteria governing payment.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

360       (d) A provision that identifies a clear and specific  
361 transition plan that will be implemented in order to complete  
362 all required activities needed to transfer the service or  
363 activity from the state agency to the contractor and operate the  
364 service or activity successfully.

365       (e) A performance standards provision that identifies all  
366 required performance standards, which must include, at a  
367 minimum:

368           1. Detailed and measurable acceptance criteria for each  
369 deliverable and service to be provided to the state agency under  
370 the terms of the contract which document the required  
371 performance level.

372           2. A method for monitoring and reporting progress in  
373 achieving specified performance standards and levels.

374           3. The sanctions or disincentives that shall be imposed  
375 for nonperformance by the contractor or state agency.

376       (f) A provision that requires the contractor and its  
377 subcontractors to maintain adequate accounting records that  
378 comply with all applicable federal and state laws and generally  
379 accepted accounting principles.

380       (g) A provision that authorizes the state agency to have  
381 access to and to audit all records related to the contract and  
382 subcontracts, or any responsibilities or functions under the  
383 contract or subcontracts, for purposes of legislative oversight.

384       (h) A requirement for audits by a service organization in  
385 accordance with professional auditing standards, if appropriate.

386       (i) A provision that requires the contractor to interview  
387 and consider for employment with the contractor each displaced  
388 state employee who is interested in such employment.

389       (j) A contingency plan provision that describes the  
390 mechanism for continuing the operation of the service or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

activity, including transferring the service or activity back to the state agency or successor contractor if the contractor fails to perform and comply with the performance standards and levels of the contract and the contract is terminated.

(k) A provision that requires the contractor and its subcontractors to comply with public records laws, specifically to:

1. Keep and maintain the public records that ordinarily and necessarily would be required by the state agency in order to perform the service or activity.

2. Provide the public with access to such public records on the same terms and conditions under which the state agency would provide the records and at a cost that does not exceed that provided in chapter 119 or as otherwise provided by law.

3. Ensure that records that are exempt or confidential and exempt are not disclosed except as authorized by law.

4. Meet all requirements for retaining records and transfer to the state agency, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to the state agency in a format that is compatible with the information technology systems of the state agency.

(l) A provision that addresses ownership of intellectual property. This paragraph does not provide the specific authority needed by an agency to obtain a copyright or trademark.

(m) If applicable, a provision that allows the agency to purchase from the contractor, at its depreciated value, assets used by the contractor in the performance of the contract. If



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

421 assets have not depreciated, the agency shall retain the right  
422 to negotiate to purchase at an agreed-upon cost.

423 Section 6. Subsection (6) is added to section 287.058,  
424 Florida Statutes, to read:

425 287.058 Contract document.--

426 (6) A contract may not prohibit a contractor from lobbying  
427 the executive or legislative branch concerning the scope of  
428 services, performance, term, or compensation regarding any  
429 contract to which the contractor and a state agency are parties,  
430 after contract execution and during the contract term. The  
431 provisions of this subsection are supplemental to the provisions  
432 of ss. 11.062 and 216.347 and any other law prohibiting the use  
433 of state funds for lobbying purposes.

434 Section 7. Section 287.074, Florida Statutes, is created  
435 to read:

436 287.074 Prohibited actions by contractor personnel.--

437 (1) Only a public officer or a public employee upon whom  
438 the public officer has delegated authority shall, consistent  
439 with law, take actions, including, but not limited to:

440 (a) Selecting state employees;

441 (b) Approving position descriptions, performance  
442 standards, or salary adjustments for state employees; and

443 (c) Hiring, promoting, disciplining, demoting, and  
444 dismissing a state employee.

445 (2) Only a public officer shall, consistent with law,  
446 commission and appoint state officers.

447 Section 8. A contractor, as defined in chapter 287,  
448 Florida Statutes, or its employees, agents, or subcontractors,  
449 may not knowingly participate, through decision, approval,  
450 disapproval, or preparation of any part of a purchase request,  
451 investigation, or audit, in the procurement of commodities or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

452 contractual services by a state agency from an entity in which  
453 the contractor, or its employees, agents, or subcontractors, has  
454 a material interest.

455 Section 9. Section 14.203, Florida Statutes, is repealed.

456 Section 10. For the 2006-2007 fiscal year, the sum of  
457 \$750,000 in recurring funds from the General Revenue Fund in a  
458 qualified expenditure category is appropriated and eight full-  
459 time equivalent positions are authorized to the Department of  
460 Management Services to carry out the activities of the Council  
461 on Efficient Government as provided in this act.

462 Section 11. The Department of Management Services may  
463 implement a program to train state agency employees who are  
464 involved in managing outsourcings as Project Management  
465 Professionals, as certified by the Project Management Institute.  
466 For the 2006-2007 fiscal year, the sum of \$250,000 in recurring  
467 funds from the General Revenue Fund in a qualified expenditure  
468 category is appropriated to the Department of Management  
469 Services to implement this program. The Department of Management  
470 Services, in consultation with agencies subject to this act,  
471 shall identify personnel to participate in this training based  
472 on requested need and shall ensure that each agency requesting  
473 training is represented. The Department of Management Services  
474 may remit payment for this training on behalf of all  
475 participating personnel.

476 Section 12. Notwithstanding any law to the contrary, a  
477 state agency under the individual control of the Attorney  
478 General, the Chief Financial Officer, or the Commissioner of  
479 Agriculture is subject to this act.

480 Section 13. Paragraph (a) of subsection (5) of section  
481 119.071, Florida Statutes, is amended to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

119.071 General exemptions from inspection or copying of public records.--

(5) OTHER PERSONAL INFORMATION.--

(a)1. The Legislature acknowledges that the social security number was never intended to be used for business purposes but was intended to be used solely for the administration of the federal Social Security System. The Legislature is further aware that over time this unique numeric identifier has been used extensively for identity verification purposes and other legitimate consensual purposes. The Legislature is also cognizant of the fact that the social security number can be used as a tool to perpetuate fraud against a person and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual. The Legislature intends to monitor the commercial use of social security numbers held by state agencies in order to maintain a balanced public policy.

2. An agency shall not collect an individual's social security number unless authorized by law to do so or unless the collection of the social security number is otherwise imperative for the performance of that agency's duties and responsibilities as prescribed by law. Social security numbers collected by an agency must be relevant to the purpose for which collected and shall not be collected until and unless the need for social security numbers has been clearly documented. An agency that collects social security numbers shall also segregate that number on a separate page from the rest of the record, or as otherwise appropriate, in order that the social security number be more easily redacted, if required, pursuant to a public records request. An agency collecting a person's social security

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

number shall, upon that person's request, at the time of or prior to the actual collection of the social security number by that agency, provide that person with a statement of the purpose or purposes for which the social security number is being collected and used. Social security numbers collected by an agency shall not be used by that agency for any purpose other than the purpose stated. Social security numbers collected by an agency prior to May 13, 2002, shall be reviewed for compliance with this subparagraph. If the collection of a social security number prior to May 13, 2002, is found to be unwarranted, the agency shall immediately discontinue the collection of social security numbers for that purpose.

3. Effective October 1, 2002, all social security numbers held by an agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to all social security numbers held by an agency before, on, or after the effective date of this exemption.

4. Social security numbers may be disclosed to another governmental entity or its agents, employees, or contractors if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving governmental entity and its agents, employees, and contractors shall maintain the confidential and exempt status of such numbers.

5. An agency shall not deny a commercial entity engaged in the performance of a commercial activity, which, for purposes of this paragraph, means an activity that provides a product or service that is available from a private source, as defined in ~~s. 14.203~~ or its agents, employees, or contractors access to social security numbers, provided the social security numbers will be used only in the normal course of business for legitimate business purposes, and provided the commercial entity

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

544 makes a written request for social security numbers, verified as  
545 provided in s. 92.525, legibly signed by an authorized officer,  
546 employee, or agent of the commercial entity. The verified  
547 written request must contain the commercial entity's name,  
548 business mailing and location addresses, business telephone  
549 number, and a statement of the specific purposes for which it  
550 needs the social security numbers and how the social security  
551 numbers will be used in the normal course of business for  
552 legitimate business purposes. The aggregate of these requests  
553 shall serve as the basis for the agency report required in  
554 subparagraph 8. An agency may request any other information  
555 reasonably necessary to verify the identity of the entity  
556 requesting the social security numbers and the specific purposes  
557 for which such numbers will be used; however, an agency has no  
558 duty to inquire beyond the information contained in the verified  
559 written request. A legitimate business purpose includes  
560 verification of the accuracy of personal information received by  
561 a commercial entity in the normal course of its business; use in  
562 a civil, criminal, or administrative proceeding; use for  
563 insurance purposes; use in law enforcement and investigation of  
564 crimes; use in identifying and preventing fraud; use in  
565 matching, verifying, or retrieving information; and use in  
566 research activities. A legitimate business purpose does not  
567 include the display or bulk sale of social security numbers to  
568 the general public or the distribution of such numbers to any  
569 customer that is not identifiable by the distributor.

570 6. Any person who makes a false representation in order to  
571 obtain a social security number pursuant to this paragraph, or  
572 any person who willfully and knowingly violates this paragraph,  
573 commits a felony of the third degree, punishable as provided in  
574 s. 775.082 or s. 775.083. Any public officer who violates this

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

paragraph is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500. A commercial entity that provides access to public records containing social security numbers in accordance with this paragraph is not subject to the penalty provisions of this subparagraph.

7.a. On or after October 1, 2002, a person preparing or filing a document to be recorded in the official records by the county recorder as provided for in chapter 28 may not include any person's social security number in that document, unless otherwise expressly required by law. If a social security number is or has been included in a document presented to the county recorder for recording in the official records of the county before, on, or after October 1, 2002, it may be made available as part of the official record available for public inspection and copying.

b. Any person, or his or her attorney or legal guardian, has the right to request that a county recorder remove, from an image or copy of an official record placed on a county recorder's publicly available Internet website or a publicly available Internet website used by a county recorder to display public records or otherwise made electronically available to the general public by such recorder, his or her social security number contained in that official record. Such request must be made in writing, legibly signed by the requester and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the county recorder. The request must specify the identification page number that contains the social security number to be redacted. The county recorder has no duty to inquire beyond the written request to verify the identity of a person requesting redaction. A fee shall not be charged for the redaction of a social security number pursuant to such request.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

606 c. A county recorder shall immediately and conspicuously  
607 post signs throughout his or her offices for public viewing and  
608 shall immediately and conspicuously post, on any Internet  
609 website or remote electronic site made available by the county  
610 recorder and used for the ordering or display of official  
611 records or images or copies of official records, a notice  
612 stating, in substantially similar form, the following:

613 (I) On or after October 1, 2002, any person preparing or  
614 filing a document for recordation in the official records may  
615 not include a social security number in such document, unless  
616 required by law.

617 (II) Any person has a right to request a county recorder  
618 to remove, from an image or copy of an official record placed on  
619 a county recorder's publicly available Internet website or on a  
620 publicly available Internet website used by a county recorder to  
621 display public records or otherwise made electronically  
622 available to the general public, any social security number  
623 contained in an official record. Such request must be made in  
624 writing and delivered by mail, facsimile, or electronic  
625 transmission, or delivered in person, to the county recorder.  
626 The request must specify the identification page number that  
627 contains the social security number to be redacted. No fee will  
628 be charged for the redaction of a social security number  
629 pursuant to such a request.

630 d. Until January 1, 2007, if a social security number,  
631 made confidential and exempt pursuant to this paragraph, or a  
632 complete bank account, debit, charge, or credit card number made  
633 exempt pursuant to paragraph (b) is or has been included in a  
634 court file, such number may be included as part of the court  
635 record available for public inspection and copying unless  
636 redaction is requested by the holder of such number, or by the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

637 holder's attorney or legal guardian, in a signed, legibly  
638 written request specifying the case name, case number, document  
639 heading, and page number. The request must be delivered by mail,  
640 facsimile, electronic transmission, or in person to the clerk of  
641 the circuit court. The clerk of the circuit court does not have  
642 a duty to inquire beyond the written request to verify the  
643 identity of a person requesting redaction. A fee may not be  
644 charged for the redaction of a social security number or a bank  
645 account, debit, charge, or credit card number pursuant to such  
646 request.

647 e. Any person who prepares or files a document to be  
648 recorded in the official records by the county recorder as  
649 provided in chapter 28 may not include a person's social  
650 security number or complete bank account, debit, charge, or  
651 credit card number in that document unless otherwise expressly  
652 required by law. Until January 1, 2007, if a social security  
653 number or a complete bank account, debit, charge, or credit card  
654 number is or has been included in a document presented to the  
655 county recorder for recording in the official records of the  
656 county, such number may be made available as part of the  
657 official record available for public inspection and copying. Any  
658 person, or his or her attorney or legal guardian, may request  
659 that a county recorder remove from an image or copy of an  
660 official record placed on a county recorder's publicly available  
661 Internet website, or a publicly available Internet website used  
662 by a county recorder to display public records outside the  
663 office or otherwise made electronically available outside the  
664 county recorder's office to the general public, his or her  
665 social security number or complete account, debit, charge, or  
666 credit card number contained in that official record. Such  
667 request must be legibly written, signed by the requester, and



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

668 delivered by mail, facsimile, electronic transmission, or in  
669 person to the county recorder. The request must specify the  
670 identification page number of the document that contains the  
671 number to be redacted. The county recorder does not have a duty  
672 to inquire beyond the written request to verify the identity of  
673 a person requesting redaction. A fee may not be charged for  
674 redacting such numbers.

675 f. Subparagraphs 2. and 3. do not apply to the clerks of  
676 the court or the county recorder with respect to circuit court  
677 records and official records.

678 g. On January 1, 2007, and thereafter, the clerk of the  
679 circuit court and the county recorder must keep complete bank  
680 account, debit, charge, and credit card numbers exempt as  
681 provided for in paragraph (b), and must keep social security  
682 numbers confidential and exempt as provided for in subparagraph  
683 3., without any person having to request redaction.

684 8. Beginning January 31, 2004, and each January 31  
685 thereafter, every agency must file a report with the Secretary  
686 of State, the President of the Senate, and the Speaker of the  
687 House of Representatives listing the identity of all commercial  
688 entities that have requested social security numbers during the  
689 preceding calendar year and the specific purpose or purposes  
690 stated by each commercial entity regarding its need for social  
691 security numbers. If no disclosure requests were made, the  
692 agency shall so indicate.

693 9. Any affected person may petition the circuit court for  
694 an order directing compliance with this paragraph.

695 10. This paragraph does not supersede any other applicable  
696 public records exemptions existing prior to May 13, 2002, or  
697 created thereafter.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

11. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 14. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to procurement of contractual services by a state agency; amending s. 287.057, F.S.; prohibiting a state agency from renewing or amending a contract for outsourcing under certain conditions; requiring certain qualifications for persons chosen to conduct negotiations during specified procurements; requiring the Department of Management Services to adopt rules governing those qualifications; requiring that a specified statement be included in procurements of commodities and services which prohibits contact between respondents and specified employees of the executive and legislative branches; creating s. 287.0571, F.S.; creating the Florida Efficient Government Act; providing legislative intent; providing that procurements of specified commodities and services are not subject to the act; creating s. 287.05721, F.S.; providing definitions; creating s. 287.0573, F.S.; creating the Council on Efficient Government within the Department of Management Services; providing the purpose and membership of the council; providing duties and responsibilities of the council; requiring the council to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

729 review and issue advisory reports on certain state agency  
730 procurements; requiring the department to employ adequate  
731 number of staff; requiring the council to be headed by an  
732 executive director appointed by the Secretary of  
733 Management Services; requiring state agencies to submit  
734 materials required by the council; creating s. 287.0574,  
735 F.S.; providing requirements for certain business cases to  
736 outsource by a state agency; requiring a state agency to  
737 develop a business case that describes and analyzes a  
738 contractual services procurement under consideration;  
739 providing that the business case is not subject to  
740 challenge or protest under the Administrative Procedure  
741 Act; providing required components of a business case;  
742 providing contract requirements for a proposed  
743 outsourcing; amending s. 287.058, F.S.; providing that a  
744 contract may not prohibit a contractor from lobbying the  
745 executive or legislative branches concerning specified  
746 contract issues, within specified time lines; creating s.  
747 287.074, F.S.; requiring that only public officers or  
748 employees shall perform certain functions; prohibiting a  
749 contractor from participating in the procurement of  
750 contractual services by a state agency; repealing s.  
751 14.203, F.S., which creates the State Council on  
752 Competitive Government and provides duties and authority  
753 of the council; providing appropriations; providing that  
754 certain state agencies are subject to the act; amending s.  
755 119.071, F.S.; removing a cross-reference; clarifying the  
756 meaning of "commercial activity" to conform to the removal  
757 of the reference; providing an effective date.  
758

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 7221 : Campaign Financing**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

Amendment No. 1 (for drafter's use only)

COUNCIL/COMMITTEE ACTION

Council/Committee hearing bill: State Administration Council  
Representative Reagan offered the following:

Remove everything after the enacting clause and insert:  
Section 1. Paragraph (b) of subsection (1) of section  
106.011, Florida Statutes, is amended to read:  
106.011 Definitions.--As used in this chapter, the  
following terms have the following meanings unless the context  
clearly indicates otherwise:

(b) Notwithstanding paragraph (a), the following entities are not considered political committees for purposes of this chapter:

2. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates, if their political

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

activities are limited to contributions to candidates, political parties, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities.

3. Organizations whose activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications; however, such organizations shall be required to register and report contributions, including those received from committees of continuous existence, and expenditures in the same manner, at the same time, subject to the same penalties, and with the same filing officer as a political committee supporting or opposing a candidate or issue contained in the electioneering communication, provided, however, that the registration, if not previously filed, and initial report of such organization shall be filed within 48 hours after receiving access to the Division's electronic filing system, and shall include all contributions received and expenditures made since the date of the last general election. The organization shall request an identification number and initial password to gain access to the system within one business day of making an expenditure for an electioneering communication. If any such organization would be required to register and report with more than one filing officer, the organization shall register and report solely with the Division of Elections.

Section 2. Paragraph (c) of subsection (4) of section 106.04, Florida Statutes, is amended to read:

106.04 Committees of continuous existence.--

(4)(c) All committees of continuous existence shall file ~~the original and one copy of~~ their reports with the Division of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 Elections. ~~In addition, a duplicate copy of each report shall be~~  
55 ~~filed with the supervisor of elections in the county in which~~  
56 ~~the committee maintains its books and records, except that if~~  
57 ~~the filing officer to whom the committee is required to report~~  
58 ~~is located in the same county as the supervisor no such~~  
59 ~~duplicate report is required to be filed with the supervisor.~~  
60 Reports shall be filed in accordance with s. 106.0705 ~~on forms~~  
61 ~~provided by the division~~ and shall contain the following  
62 information:

63 1. The full name, address, and occupation of each person  
64 who has made one or more contributions, including contributions  
65 that represent the payment of membership dues, to the committee  
66 during the reporting period, together with the amounts and dates  
67 of such contributions. For corporations, the report must provide  
68 as clear a description as practicable of the principal type of  
69 business conducted by the corporation. However, if the  
70 contribution is \$100 or less, the occupation of the contributor  
71 or principal type of business need not be listed. However, for  
72 any contributions that represent the payment of dues by members  
73 in a fixed amount aggregating no more than \$250 per calendar  
74 year, pursuant to the schedule on file with the Division of  
75 Elections, only the aggregate amount of such contributions need  
76 be listed, together with the number of members paying such dues  
77 and the amount of the membership dues.

78 2. The name and address of each political committee or  
79 committee of continuous existence from which the reporting  
80 committee received, or the name and address of each political  
81 committee, committee of continuous existence, or political party  
82 to which it made, any transfer of funds, together with the  
83 amounts and dates of all transfers.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

84 3. Any other receipt of funds not listed pursuant to  
85 subparagraph 1. or subparagraph 2., including the sources and  
86 amounts of all such funds.

87 4. The name and address of, and office sought by, each  
88 candidate to whom the committee has made a contribution during  
89 the reporting period, together with the amount and date of each  
90 contribution.

91 5. The full name and address of each person to whom  
92 expenditures have been made by or on behalf of the committee  
93 within the reporting period; the amount, date, and purpose of  
94 each such expenditure; and the name and address, and office  
95 sought by, each candidate on whose behalf such expenditure was  
96 made.

97 6. The full name and address of each person to whom an  
98 expenditure for personal services, salary, or reimbursement for  
99 authorized expenses has been made, including the full name and  
100 address of each entity to whom the person made payment for which  
101 reimbursement was made by check drawn upon the committee  
102 account, together with the amount and purpose of such payment.

103 7. Transaction information from each credit card statement  
104 which shall be included in the next report following receipt  
105 thereof by the committee. Receipts for each credit card purchase  
106 shall be retained by the treasurer with the records for the  
107 committee account.

108 8.-6. The total sum of expenditures made by the committee  
109 during the reporting period.

110 Section 3. Paragraph (a) of subsection (4) of section  
111 106.07, Florida Statutes, is amended to read:

112 106.07 Reports; certification and filing.--

113 (4)(a) Each report required by this section shall contain:



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

114 1. The full name, address, and occupation, if any of each  
115 person who has made one or more contributions to or for such  
116 committee or candidate within the reporting period, together  
117 with the amount and date of such contributions. For  
118 corporations, the report must provide as clear a description as  
119 practicable of the principal type of business conducted by the  
120 corporation. However, if the contribution is \$100 or less or is  
121 from a relative, as defined in s. 112.312, provided that the  
122 relationship is reported, the occupation of the contributor or  
123 the principal type of business need not be listed.

124 2. The name and address of each political committee from  
125 which the reporting committee or the candidate received, or to  
126 which the reporting committee or candidate made, any transfer of  
127 funds, together with the amounts and dates of all transfers.

128 3. Each loan for campaign purposes to or from any person  
129 or political committee within the reporting period, together  
130 with the full names, addresses, and occupations, and principal  
131 places of business, if any, of the lender and endorsers, if any,  
132 and the date and amount of such loans.

133 4. A statement of each contribution, rebate, refund, or  
134 other receipt not otherwise listed under subparagraphs 1.  
135 through 3.

136 5. The total sums of all loans, in-kind contributions, and  
137 other receipts by or for such committee or candidate during the  
138 reporting period. The reporting forms shall be designed to  
139 elicit separate totals for in-kind contributions, loans, and  
140 other receipts.

141 6. The full name and address of each person to whom  
142 expenditures have been made by or on behalf of the committee or  
143 candidate within the reporting period; the amount, date, and  
144 purpose of each such expenditure; and the name and address of,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

145 and office sought by, each candidate on whose behalf such  
146 expenditure was made. However, expenditures made from the petty  
147 cash fund provided by s. 106.12 need not be reported  
148 individually.

149 7. The full name and address of each person to whom an  
150 expenditure for personal services, salary, or reimbursement for  
151 authorized expenses as provided in s. 106.021(3) has been made  
152 and which is not otherwise reported, including the amount, date,  
153 and purpose of such expenditure. However, expenditures made from  
154 the petty cash fund provided for in s. 106.12 need not be  
155 reported individually.

156 8. The total amount withdrawn and the total amount spent  
157 for petty cash purposes pursuant to this chapter during the  
158 reporting period.

159 9. The total sum of expenditures made by such committee or  
160 candidate during the reporting period.

161 10. The amount and nature of debts and obligations owed by  
162 or to the committee or candidate, which relate to the conduct of  
163 any political campaign.

164 11. A copy of each credit card statement which shall be  
165 included in the next report following receipt thereof by the  
166 candidate or political committee. Receipts for each credit card  
167 purchase shall be retained by the treasurer with the records for  
168 the campaign account.

169 12. The amount and nature of any separate interest-bearing  
170 accounts or certificates of deposit and identification of the  
171 financial institution in which such accounts or certificates of  
172 deposit are located.

173 13. The primary purposes of an expenditure made indirectly  
174 through a campaign treasurer pursuant to s. 106.021(3) for goods  
175 and services such as communications media placement or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

14. For any contribution received by a person that has made or makes an expenditure for an electioneering communication from an entity organized under sec. 527 of the Internal Revenue Code that is not currently registered with or reporting to the Division of Elections, the following additional information on its next required report following receipt of such contribution:

a. The name, address and contact person of the s. 527 entity.

b. The date the s. 527 entity was formed.

c. A list of all contributions that exceed \$10,000 received by the s. 527 entity since the date of the last general election, and the name and address of each contributor, including each single contributor that in the aggregate made contributions exceeding \$10,000 during the period.

Failure to completely report such information by a person shall require a refund of such contribution to the entity.

Section 4. Section 106.0701, Florida Statutes, is created to read:

106.0701 Solicitation of contributions and disclosure; registration.--

(1)(a) The Governor, Lieutenant Governor, members of the Cabinet, state legislators, or candidates for such offices who directly or indirectly solicit, cause to be solicited or accept any contribution on behalf of an organization that is exempt from taxation under s. 527 or s. 501(c)(4) of the Internal

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Revenue Code which such persons, in whole or in part, establish, maintain or control, shall immediately file a statement with the Division of Elections. Such statement shall contain the following information:

1. The name of the person acting on behalf of an organization.

2. The name and type of organization.

3. A description of the relationship between the person and the organization.

(b) Upon registration with the Division of Elections, a person subject to the requirements of paragraph (a) shall promptly create a public website that contains a mission statement and the names of persons associated with the organization. The address of the website shall be reported to the Division of Elections within 5 business days of being created.

(c) All contributions received shall be disclosed on the website within 5 business days after deposit, together with the name, address and occupation of the donor. All expenditures by the organization shall be individually disclosed on the website within 5 business days after being made.

(2) The requirements of subsection (1) do not apply to a person acting on behalf of his or her own campaign or a political party of which the person is a member.

Section 4. This act shall take effect on July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove line 7 and insert:

electioneering communications; amending s. 106.04, F.S.; providing certain filing requirements and additional reporting

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

238 requirements for committees of continuous existence; amending s.  
239 106.07, F.S.;

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

**HB 7223 : Review under the Open Government Sunset Review Act regarding Medical Records and Health Records**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. #1

Bill No. HB 7223

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: State Administration  
2 Representative(s) Rivera offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (1) of section 119.0712, Florida  
7 Statutes, is amended to read:

8 119.0712 Executive branch agency-specific exemptions from  
9 inspection or copying of public records.--

10 (1) DEPARTMENT OF HEALTH.--All personal identifying  
11 information; ~~bank account numbers; and debit, charge, and credit~~  
12 ~~card numbers~~ contained in records relating to an individual's  
13 personal health or eligibility for health-related services held  
14 by the Department of Health are confidential and exempt from s.  
15 119.07(1) and s. 24(a), Art. I of the State Constitution, except  
16 as otherwise provided in this subsection. Information made  
17 confidential and exempt by this subsection shall be disclosed:

18 (a) With the express written consent of the individual or  
19 the individual's legally authorized representative.

20 (b) In a medical emergency, but only to the extent  
21 necessary to protect the health or life of the individual.

22 (c) By court order upon a showing of good cause.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. #1

(d) To a health research entity, if the entity seeks the records or data pursuant to a research protocol approved by the department, maintains the records or data in accordance with the approved protocol, and enters into a purchase and data-use agreement with the department, the fee provisions of which are consistent with s. 119.07(4). The department may deny a request for records or data if the protocol provides for intrusive follow-back contacts, has not been approved by a human studies institutional review board, does not plan for the destruction of confidential records after the research is concluded, is administratively burdensome, or does not have scientific merit. The agreement must restrict the release of any information that would permit the identification of persons, limit the use of records or data to the approved research protocol, and prohibit any other use of the records or data. Copies of records or data issued pursuant to this paragraph remain the property of the department.

~~This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to a review under the Open Government Sunset Review Act regarding medical records and health records; amending s. 119.0712, F.S., relating to an exemption from public records requirements for personal identifying information, bank account numbers, and debit, charge, and credit card numbers



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. #1

54 contained in certain records held by the Department of Health  
55 which relate to an individual's personal health or eligibility  
56 for health services; removing the exemption for bank account  
57 numbers and debit, charge, and credit card numbers contained in  
58 such records; removing the schedule repeal of the exemption;  
59 providing an effective date.

# COUNCIL MEETING REPORT

## State Administration Council

4/21/2006 3:30:00PM

**Location:** Morris Hall (17 HOB)

### Summary:

#### State Administration Council

*Friday April 21, 2006 03:30 pm*

HB 755 CS	Favorable	Yeas: 9	Nays: 0
HB 911 CS	Favorable	Yeas: 9	Nays: 0
HB 995	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 1097 CS	Favorable	Yeas: 9	Nays: 0
HB 1123 CS	Favorable With Committee Substitute	Yeas: 7	Nays: 2
HB 1125 CS	Favorable With Committee Substitute	Yeas: 7	Nays: 2
HB 1161	Favorable	Yeas: 9	Nays: 0
HB 1165 CS	Favorable With Committee Substitute	Yeas: 5	Nays: 1
HB 1369 CS	Favorable	Yeas: 9	Nays: 0
HB 1435	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 1447 CS	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 1563 CS	Favorable	Yeas: 9	Nays: 0
HB 7121 CS	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 7155	Favorable	Yeas: 9	Nays: 0
HB 7185 CS	Favorable With Committee Substitute	Yeas: 7	Nays: 2
HB 7221	Favorable With Committee Substitute	Yeas: 9	Nays: 0

**Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM**

# **COUNCIL MEETING REPORT**

## **State Administration Council**

**4/21/2006 3:30:00PM**

**Location:** Morris Hall (17 HOB)

HB 7223 Favorable With Committee Substitute

Yeas: 9 Nays: 0

**Committee meeting was reported out: Friday, April 21, 2006 7:32:31PM**